



Strasbourg, 4 December 2006

**CDL(2006)096**  
Engl. only

**Opinion no. 401/2006**

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**DRAFT LAW ON THE  
JUDICIARY OF UKRAINE**

DRAFT  
approved by  
the National Commission on Strengthening Democracy  
and the Rule of Law  
July 11, 2006

© Translated by USAID/Ukraine Rule of Law Project, 2006

This law determines legal fundamentals of functioning of judiciary in Ukraine – organization of judicial power and justice execution, system of courts of general jurisdiction, system of bodies, responsible for adequate level of judiciary establishment, system and procedures of judiciary self-government, and also determines general procedures of court operation and regulates other matters of judicature.

## **Section I. FUNDAMENTALS OF THE JUDICIAL POWER**

### **Article 1. Judicial power**

1. Judicial power in Ukraine shall be exercised by the courts prescribed by the law on the basis of division of the power, as it is provided by the article 6 of the Constitution of Ukraine.
2. Judicial power shall be exercised through administration of justice in the form of civil, commercial, administrative, criminal and constitutional judicial procedure. Judicial procedure shall be administered by the Constitutional Court of Ukraine and the courts of general jurisdiction.

### **Article 2. Objectives of a court**

1. While administering justice on the basis of the rule of law, a court shall secure the protection of the rights and freedoms of a human being and citizen, as guaranteed by the Constitution and laws of Ukraine, the rights and legitimate interests of legal entities, and interests of the public and the state.

### **Article 3. The court system of Ukraine**

1. The court system of Ukraine shall consist of the courts of general jurisdiction and the Constitutional Court of Ukraine.
2. The courts of general jurisdiction shall form the single system of courts. The Constitutional Court of Ukraine shall be the single body of constitutional jurisdiction in Ukraine.
3. The court system shall provide accessibility of justice for every person in the order, prescribed in the Constitution of Ukraine and laws.
4. Creation of extraordinary and special courts shall not be permitted.
5. The procedure of organization and operation of the Constitutional Court of Ukraine shall be determined by the Constitution of Ukraine and the Law of Ukraine “On the Constitutional Court of Ukraine”.

### **Article 4. Legislation on the judiciary of Ukraine**

The judiciary of Ukraine shall be determined by the Constitution of Ukraine and this Law.

#### **Article 5. Justice administered exclusively by courts**

1. Justice in Ukraine is administered exclusively by courts. The delegation of court functions, and also appropriation of these functions by other bodies or officials shall not be permitted.
2. Persons that have illegally assumed the court functions shall be liable under the law.
3. The people shall directly participate in administration of justice through people's assessors and jurors. The participation of people's assessors and jurors in administration of justice is their public duty.

#### **Article 6. Autonomy of courts**

1. Courts have the autonomous authority to administer justice independently. When administering justice, courts shall neither depend on any influence nor shall they be accountable to whatsoever authority; and they shall abide only by the Constitution of Ukraine and the law.
2. Guarantees of the judicial independence and of the independence of judges are fixed by the Constitution of Ukraine, this Law and others laws.
3. Courts shall not hear the addresses in connection with concrete cases considering by the court submitted by the citizens, organizations or officials that are not the parties to the court proceedings pursuant to the law unless specified otherwise by procedural law.
4. Interference into administration of justice, influence upon a court or judges in any manner, contempt of court or against judges, collection, keeping, use and dissemination of the information in verbal, written or another form with the aim of damaging their authority and affecting the impartiality of justice shall be prohibited and legally liable pursuant to the law.
5. The judicial self-government shall be applied to solve the problems pertaining to the internal activity of courts pursuant to this Law.

#### **Article 7. The right to judicial protection**

1. All persons shall enjoy a guaranteed protection of their rights, freedoms and interests by an independent and unbiased court created pursuant to the law.
2. The courts of first instance, the courts of appeal and the courts of cassation shall operate in Ukraine for the purpose of impartial, unbiased, and timely consideration of cases and the lawfulness of court decisions.
3. Nobody shall be denied the right to have his/her case heard in a court having the jurisdiction over that case prescribed by procedural law.
4. Everyone has the right to take part in consideration of his/their case in a court of any instance in line with the procedure established by the provisions of procedural law.

5. Foreign residents, persons without nationality, and foreign legal entities enjoy the right in Ukraine to legal protection equally with the citizens and legal entities of Ukraine.

#### **Article 8. Equality before the law and the court**

1. Justice in Ukraine is administered on the principles of equality of all participants in legal proceedings before the law and the court without distinction of their sex, race, and color, political, religious and other convictions and beliefs, national or social origin, property status, domicile and other circumstances.

#### **Article 9. Legal assistance during the court hearings**

1. Each person has the right to legal assistance during the court hearings.

2. The Bar shall be available for rendering the legal assistance during the court hearings in Ukraine. In cases, fixed by the law, such assistance may be also provided by other persons. The procedure and conditions of rendering the legal assistance are determined by the law. In cases provided for by the law the legal assistance may be given free of charge.

#### **Article 10. Openness and transparency of the court proceedings**

1. Nobody shall be limited in the right to receive in a court the written or verbal information about the results of consideration of his/their case by court.

2. The proceedings in all courts shall be open to the public except the cases defined by procedural law. Participants in court proceedings and other persons, attending the open judicial hearings, may use portative audio technical means. Photographing, filming, video and sound recording in a courtroom with the use of standard equipment, also broadcasting of a court session may be allowed by permission of a court in the manner prescribed by procedural law.

3. Closed judicial session hearings may be allowed by court's decision in cases set forth by procedural law.

4. When hearing a case, the court proceedings are registered by technical facilities in the manner prescribed by procedural law.

#### **Article 11. Language of Judicial procedure**

1. Judicial procedure in Ukraine shall be carried out in the official national language.

2. Other languages may also be applied in cases provided for by the law and pursuant to the procedure stipulated thereby.

3. Persons that have no or incomplete command of the official language are entitled to use their native languages and take advantage of translator/interpreter services in the course of a trial. In cases provided for by procedural law this right shall be secured by state.

#### **Article 12. The binding force of court decisions**

1. The final court decisions shall be approved in the name of Ukraine.

2. Court decisions that have become legally valid are binding for all state bodies, local self-government authorities, their officials, public associations and other organizations, citizens and legal entities in the whole territory of Ukraine. The binding force of court decisions for other courts (precedent effect) is specified by procedural law.

3. Court decisions of other countries are binding in the territory of Ukraine under the terms established by the law of Ukraine pursuant to the international treaties of Ukraine whose binding force has been approved by the Verkhovna Rada of Ukraine.

4. Failure to comply with the court rulings shall entail legal liability under the law.

### **Article 13. The right to appeal against court decisions**

Participants in court proceedings and other persons have the right to appeal against and take review of a court decisions in cases and according to the procedure set forth by procedural law.

### **Article 14. Collective and single justice consideration of cases**

1. In the courts of first instance the cases may be considered individually by one professional judge, by the panel of professional judges in cases fixed by procedural law, and also with participation of people's assessors or by jury.

2. In case of single justice examination a judge acts as a court.

## **Section II. COURTS OF GENERAL JURISDICTION**

### **Chapter 1. INSTITUTIONAL FRAMEWORK OF THE SYSTEM OF COURTS OF GENERAL JURISDICTION**

#### **Article 15. Types of the courts of general jurisdiction**

1. The system of general jurisdiction courts is based on the principles of territorial division, specialization and hierarchy.

2. The system of courts of general jurisdiction includes the following:

1) local courts;

2) courts of appeal;

3) high specialized courts;

4) the Supreme Court of Ukraine.

#### **Article 16. Specialization of the courts of general jurisdiction**

1. Courts of general jurisdiction specialize in civil, commercial, administrative and criminal cases.

2. Specialization of courts in specific categories of cases may be implemented in the courts of general jurisdictions.

**Article 17. Procedure of establishment of courts and selection of judges for administrative positions.**

1. Courts of general jurisdiction shall be established and dissolved by the President of Ukraine on the basis of recommendations of the Minister of Justice of Ukraine and agreed with the Head of State Judicial Administration of Ukraine and Council of Judges of Ukraine. The Chief Justice of the Supreme Court of Ukraine or the Chair of a relevant high specialized court may address the Head of the State Judicial Administration of Ukraine with a proposal regarding establishment or dismissal of courts.

2. Court location and status shall be determined accounting for territorial, specialization, and hierarchic principles.

3. Courts shall be established or dissolved on such grounds as changes in the court system as prescribed by this Law and may be the changes in administrative system and territorial division.

The number of judges at courts shall be determined by the President of Ukraine on the basis of recommendations of the Head of State Judicial Administration of Ukraine, agreed with the Council of Judges of Ukraine, in view of the suggested workload and within the limits of allocations for maintenance of courts, as approved in State Budget of Ukraine

Chair of a local court, Chair of appellate court and his/her Deputy, Chair of high specialized court and his/her Deputy shall be appointed to these posts for a term of five years from a number of the nominated judges and are released from their posts by the Council of Judges of Ukraine.

Under the Council of Judges of Ukraine a reserve of candidates if formed to replace Chairs of local and appellate courts, high specialized courts, Deputy Chairs of the courts of appeal and high courts. Procedure for the reserve and conduction of special examinations of candidates are approved by the Congress of Judges of Ukraine.

A judge can be appointed to a position of Chair or Deputy Chair of the court if he/she was on this reserve for at least six months.

7. The Chief Justice of the Supreme Court of Ukraine, Deputy of the Chief Justice of the Supreme Court of Ukraine, Chairs of Judicial Chambers of the Supreme Court of Ukraine are elected to their posts for a term of 5 years from a number of judges of this court accordingly and judges of according chamber, and are dismissed from these posts by the Plenary Meeting of the Supreme Court of Ukraine.

8. A judge can not occupy a post of the Chair of the court more than 2 terms in a row.

9. The fact that a judge occupies any of the posts mentioned in items 5 and 7 of this article, does not liberate him/her from the responsibilities of a judge of a respective court, prescribed by the Law.

10. Dismissal of a judge from the post mentioned in parts fifth, seventh of this article does not deprive him/her of credentials of a judge. Termination of judge's powers means termination of his/her powers on the post mentioned in items 5 and 7 of this article.

**Chapter 2. LOCAL COURTS**

### **Article 18. Types and composition of local courts**

1. In the system of courts of general jurisdiction there are local courts which operate as courts of first instance in civil, commercial, administrative and criminal cases.
2. Local courts are:
  - 1) district courts - district, district in a city, city and city-district courts;
  - 2) circuit courts – circuit economic courts, circuit administrative courts and circuit criminal courts, are formed in the circuits as decreed by the President of Ukraine.
3. Territorial jurisdiction of local courts shall be determined by the President of Ukraine once they shall be formed.
4. A name of a local court shall include the name of the settlement, where the court is situated.
5. A local court shall consist of no less than 3 judges of a local court, from the number of which the Chair of the court shall be appointed.

### **Article 19. Jurisdiction of local court**

1. Local court shall be the first instance court and it hears the cases that fall within its jurisdiction as prescribed by procedural law.
2. Local district courts shall hear all civil cases and also administrative, criminal and other cases within their jurisdiction.
3. Circuit economic courts shall hear the cases involving private legal relations in economic sphere that fall within their jurisdiction.
4. Circuit administrative courts shall hear administrative cases involving public legal relations within their jurisdiction.
5. Circuit criminal courts shall hear criminal cases that fall within their jurisdiction. In circuit criminal courts for consideration of separate categories of cases there shall be created a jury trial.

### **Article 20. Judge of a local court**

1. A judge of a local court shall:
  - 1) administer justice in accordance with the procedure defined by procedural law;
  - 2) take the procedural measures essential for hearing a case;
  - 3) monitor according to the law the timely implementation of the rulings made under his/her chairmanship;
  - 4) exercise other powers vested in him/her by the law.

### **Article 21. Chair of a local court**

1. The Chair of a local court shall:

- 1) represents a court as a body of the state power in relations with other bodies of the state power, local self-government authorities, citizens, institutions, and organizations;
- 2) exercise control over the operation of the court staff;
- 3) issue a relevant order on the basis of reports on appointment (election) of a judge or dismissal of judge from the post;
- 4) inform the High Qualifications Commission of Ukraine about availability of vacant or temporary vacant posts in the court within 10 days term;
- 5) determine specialization of judges for consideration of specific categories of cases;
- 6) provide for execution of a decision of the local court judges' meeting;
- 7) take actions regarding information-analytical support of judges in order to improve the quality of justice;
- 9) provide for improvement of skills of the judges of relevant court;
- 10) provide for keeping the court statistics;
- 11) exercise other powers specified by the law.

The Chair of a local court issues the orders and instructions within the limits of power delegated to him.

2. Should Chair of court be absent his/her administrative powers shall be exercised by a judge of this court, which has the longest experience working as a judge.

### **Chapter 3. THE COURTS OF APPEAL**

#### **Article 22. Types and composition of the courts of appeal**

1. In the system of courts of general jurisdiction in Ukraine appellate courts operate as courts of appeal in civil, commercial, administrative and criminal cases.

2. The courts of appeal are: appellate courts for consideration of civil and criminal cases, economic courts of appeal, and administrative courts of appeal, which are formed in the appellate circuits as decreed by the President of Ukraine.

3. The court of appeal shall include judges, elected to the post without time limitation, from the number of which the Chairman shall be appointed. In the courts of appeal that consider civil and criminal cases there shall be two Deputy Chairmen of the court appointed. In economic and administrative courts of appeal there shall be a Deputy Chairman appointed from the judges of these courts.

4. The judicial chamber for consideration of civil cases and the judicial chamber for consideration of criminal cases shall be created in the structure of the court of appeal that considers civil and criminal cases. The Chairs of these chambers shall be Deputy Chairmen of the court of appeal.



5. Under the court of appeal there may be specialized boards of judges created for consideration of specific categories of cases within the respective court jurisdiction.

6. The name of the court of appeal shall include the name of the location, where it is located.

#### **Article 23. Powers of the courts of appeal**

1. Courts of appeal shall:

- 1) consider the cases of appeal of respective court jurisdiction;
- 2) analyze the court statistics;
- 3) study and generalize the judicial practice;
- 4) perform other functions pursuant to the law.

#### **Article 24. Judge of a court of appeal**

1. Judge of a court of appeal shall:

- 1) administer justice in accordance with the procedure established by procedural law;
- 2) conduct the court proceedings essential for ensuring of the hearing of the case;
- 3) monitor, pursuant to the law, the timely implementation of the court decisions approved with his/her participation;
- 4) exercise other powers vested in him/her under the law.

#### **Article 25. Chair of a court of appeal**

1. The Chairman of a court of appeal shall:

- 1) represent a court as a state body in its relations with other state bodies, local self-government authorities, citizens, institutions and organizations;
- 2) assign the administrative powers of the Deputy Chairman of a court;
- 3) control operation of the court staff;
- 4) issue a relevant order on the basis of reports on appointment (election) of a judge or dismissal of judge from the post;
- 5) inform the High Qualifications Commission of Ukraine about availability of vacant or temporary vacant posts in the court in a ten days term;
- 6) shall submit for approval of the meeting of judges of a respective court the personal composition of judicial chambers (in the court of appeal considering civil and criminal cases);

- 7) provide for execution of a decision of the appeal court judges' meeting;
- 8) provide for keeping and analysis of the court statistics, the study and generalization of judicial practice;
- 9) take actions regarding information-analytical support of judges in order to improve the quality of judicature;
- 10) take due measures for improving the skills of judges of a relevant court;
- 11) exercise other duties as stipulated by law.

Chair of the court of appeals shall issue orders and instructions on the matters within the limits of his/her administrative powers.

2. Should Chair of the appellate court be absent his/her administrative powers shall be exercised by the Deputy Chair, and in case of absence of the Deputy Chair the administrative powers shall be executed by judge of this court, which has the longest experience working as a judge.

#### **Article 26. Deputy Chair of a court of appeal**

1. The Deputy Chair of a court of appeal shall exercise administrative powers, determined by the Chair of the court.
2. The Deputy Chair of a court of appeal who is at the same time the Chair of a judicial chamber, beside responsibilities defined by the Chair of the court shall:
  - 1) provide for the analysis and generalization of the judicial practice for the cases falling within the chamber's jurisdiction;
  - 2) inform the court presidium about the operation of a judicial chamber;
  - 3) exercise other duties as stipulated by law.
3. In case of absence of the Deputy Chair of the court of appeal the functions of the Chair of a judicial chamber shall be performed by the chamber's judge of senior age.

### **Chapter 4. HIGH SPECIALIZED COURTS**

#### **Article 27. Types and composition of high courts**

1. In the system of courts of general jurisdiction high specialized courts operate as courts of cassation instance in civil, commercial, administrative, and criminal cases. In separate cases prescribed by the procedural law, high courts may act as courts of first instance and courts of appeal.
2. The high judicial bodies of specialized courts are represented by the High Civil Court of Ukraine, the High Economic Court of Ukraine, the High Administrative Court of Ukraine, and the High Criminal Court of Ukraine.

3. The high specialized court shall consist of the judges elected to the posts for an unlimited term, the Chair of a court and the Deputy Chair of a court appointed from the number of judges.

4. The specialized Judicial Chambers may be created in the high specialized court to consider specific categories of cases falling within relevant court jurisdiction.

5. The plenary meeting of a high specialized court shall be held to settle the general issues of operation of relevant specialized courts.

6. The high specialized courts shall be located in the city of Kyiv.

#### **Article 28. Powers of a high specialized court**

1. The high specialized courts shall:

1) hear the cases of a relevant jurisdiction in keeping with the cassation procedure;

2) hear the cases of a relevant jurisdiction in exceptional cases, identified by the procedural law;

3) analyze the court statistics, study and generalize the judicial practice;

3) provide the specialized courts of lower level with clarifications concerning application of the law in consideration of cases within relevant court jurisdiction with the aim of identical application of the constitutional and legal norms in judicial practice;

4) exercise other powers as specified by the law.

#### **Article 29. Judge of a high specialized court**

1. A judge of a high specialized court shall:

1) administer justice in keeping with the judicial procedure established by procedural law;

2) conduct the judicial proceedings and take measures essential for consideration of cases;

3) monitor, pursuant to the law, the timely implementation of the courts rulings approved with his/her participation;

4) perform other duties specified by the law.

#### **Article 30. Chair of a high specialized court**

1. The Chair of a high specialized court shall:

1) represent a high specialized court as state body in the relations with other state bodies, local self-government authorities, citizens, institutions, and organizations, also with the state bodies of other countries, and international organizations;

2) allocate the functions of the Deputy Chair of a court;

- 3) control the operation of court staff, assign ranks of civil servants to the head of staff and his/her deputies according to the procedure prescribed by the law, provide them with incentives and mete out disciplinary punishments according to the respective legislation;
- 4) issue a relevant order on the basis of the reports on election (appointment) of a judge or dismissal of the judge from his/her post;
- 5) inform the High Qualifications Commission of Ukraine about availability of vacant or temporary vacant posts in the court within 10 days term;
- 6) introduce, accordingly to this Law, proposals on the creation and dissolution of relevant local courts and courts of appeal, or regarding changes in the number of judges in them;
- 7) convene the plenary meeting of a high specialized court, submit the issues for its consideration and preside over its meetings;
- 8) inform the Plenary Meeting of the Supreme Court of Ukraine on the performance of a high specialized court;
- 9) provide for the implementation of the rulings of the high specialized court;
- 10) organize keeping and analysis of the court statistics, study and generalize the judicial practice;
- 11) take actions regarding information-analytical provision of judges in order to improve the quality of judicature;
- 12) take due measures for improving the skills of judges of a relevant court;
- 13) exercise other powers set forth by the law.

The Chair of a high specialized court shall issue orders and instructions concerning the issues within the limits of administrative power delegated to him.

2. In case of absence of the Chair of a high specialized court the Deputy Chair shall exercise his/her administrative powers, in case of absence of the Deputy Chair the administrative powers shall be executed by judge of this court, which has the longest experience working as a judge..

#### **Article 31. Deputy Chair of a high specialized court**

1. A Deputy Chair of a high specialized court shall exercise administrative powers, assigned by the Chair of the court.

#### **Article 32. Plenary meeting of a high specialized court**

1. The plenary meeting of high specialized court operates with all judges of high specialized court for resolving issues connected with provision of unity of judicial practice in cases of respective specialized jurisdiction, and other matters that fall within its jurisdiction according to this Law.

2. The plenary meeting of high specialized court shall:

1) provide the specialized courts of lower level with clarifications concerning application of the law in consideration of cases within relevant court jurisdiction with the aim of identical application of the constitutional and legal norms in judicial practice;

2) approve the composition of the scientific-consulting council under the high specialized court and regulations regarding it; approve the composition of editorial board of the official periodical of the high specialized court;

3) hear the information of the Chair of the high specialized court on the practice of resolving relevant court cases;

4) make decision on addressing to the Constitutional Court of Ukraine with the request for official interpretation of the Constitution of Ukraine and laws of Ukraine;

5) review and solve other issues within jurisdictions pursuant to law.

3. The plenary meeting of a high specialized court shall be held not less than two times per year. The date of the meeting shall be known to the members of the plenary meeting ten days in advance. In the very same time materials concerning the issues, which are to be discussed at the plenary meeting, are sent out.

4. The plenary meeting shall be considered as legally valid if attended by at least two thirds of the plenary meeting members.

5. When the plenary meeting shall consider the matters, stated in items 1, 3, and 5 of the second part of the article, the Minister of Justice of Ukraine has a right to take part in the meeting.

Representatives of state government bodies, scientific institutions, public organizations, mass media, etc may be invited to the plenary meeting.

6. Resolutions of the plenary meeting of the high specialized court shall be passed by open ballot by a majority of votes of the plenary meeting members; the resolutions shall be signed by the person that presided over the meeting.

### **Article 33. Scientific and consultative council and official periodical of a high specialized court**

1. The scientific and consultative council will be created at a high specialized court to analyze the issues concerning the preparation of a scientific, well-grounded interpretation of the laws in force, and also to draw the conclusions relating to the draft laws and other enactments, also to consider the issues involving the need for scientific support of operation of a high specialized court.

2. The structure and operation of the scientific and consultative council shall be established by the regulations that are approved by the Plenary Meeting of a high specialized court.

3. A high specialized court shall run the official periodical containing the information on judicial practice, the decisions on administration of a high specialized court and relevant courts, and other materials

## **Chapter 5. THE SUPREME COURT OF UKRAINE**

**Article 34. The Supreme Court of Ukraine – the highest judicial authority**

1. The Supreme Court of Ukraine is the highest judicial authority within the system of general jurisdiction courts. The Supreme Court of Ukraine shall administer justice, provide for identical application of the laws in force by all courts of general jurisdiction.

2. The Supreme Court of Ukraine shall:

1) consider cases except for those circumstances, prescribed by the procedural law, consider cases in other cases, prescribed by the law;

2) clarify for the courts the application of the laws with the aim of identical application of the legal norms in judicial practice.

3) make a conclusion about the availability or absence of the evidences of high treason or another crime in the actions of the President of Ukraine which he is charged with; submit, as requested by the Verkhovna Rada of Ukraine, the written judgment on the impossibility for the President of Ukraine to exercise his powers on medical grounds;

4) apply to the Constitutional Court of Ukraine provided the courts of general jurisdiction have some doubts in the course of administration of justice about the constitutional validity of the laws and other enactments, also apply to the Constitutional Court for official interpretation of the Constitution and laws of Ukraine;

5) keep and analyze the court statistics, study and generalize the judicial practice, and practical application of the laws in force by courts;

6) deal, within the limits of its power, with the issues pertaining to the international treaties of Ukraine; represent the courts of general jurisdiction in relations with the courts of other countries;

7) exercise other powers pursuant to the law.

**Article 35. Composition of the Supreme Court of Ukraine**

1. The Supreme Court of Ukraine shall be headed by the Chief Justice of the Supreme Court of Ukraine, which has a deputy. The composition of the Supreme Court of Ukraine shall include eleven judges from each specialized jurisdiction (civil, commercial, administrative, criminal), elected for an unlimited term

The membership of the judicial chambers that consider the cases falling within the jurisdiction of specialized courts shall consist of the judges that have the experience of working as the judges in a relevant high court of at least three years.

2. The structure of the Supreme Court of Ukraine shall include:

1) judicial chamber for consideration of civil cases;

2) judicial chamber for consideration of criminal cases;

3) judicial chamber for consideration of economic cases;

4) judicial chamber for consideration of administrative cases.

3. The Plenary meeting of the Supreme Court of Ukraine shall function at the Supreme Court of Ukraine to consider the issues pursuant to the Constitution of Ukraine and this Law. Membership and work of the Plenary meeting are specified pursuant to this Law.
4. The scientific and consultative council shall be formed at the Supreme Court of Ukraine whose status is determined pursuant to this Law.
5. The Supreme Court of Ukraine shall have the official edition of the Supreme Court of Ukraine and may be a co-founder of other publications.
6. The Supreme Court of Ukraine shall be located in the city of Kyiv.

#### **Article 36. Judge of the Supreme Court of Ukraine**

1. A judge of the Supreme Court of Ukraine shall:
  - 1) administer justice in the manner prescribed by procedural law;
  - 2) conduct the court proceedings and take organizational measures essential for consideration of cases;
  - 3) participate in discussion of the issues submitted for consideration of the meeting of a relevant Judicial chamber and the plenary session of the Supreme Court of Ukraine;
  - 4) analyze the judicial practice; put forward the proposals, in keeping with the established procedure, concerning the improvement of such practice and the laws in force;
  - 5) exercise other powers set forth by the law.

#### **Article 37. Chief Justice of the Supreme Court of Ukraine**

1. The Chief Justice of the Supreme Court of Ukraine shall:
  - 1) represent the Court as a state body in its relations with other state bodies of Ukraine, local self-government authorities, citizens, institutions, and organizations, also with judicial authorities of other countries and international organizations;
  - 2) organize the operation of the Supreme Court of Ukraine, determine administrative responsibilities of the Deputy Chief Justice of the Supreme Court of Ukraine, Chairmen of Judicial Chambers of the Supreme Court of Ukraine;
  - 3) convene the Plenary meeting of the Supreme Court of Ukraine, submit the issues for their consideration and preside over their meetings;
  - 4) preside over the sessions of the boards of justices of the Supreme Court of Ukraine during consideration of any case;
  - 5) submit, pursuant to this Law, the proposals on creation of the courts or changes of the number of judges in the courts;
  - 6) issue a relevant order on the basis of reports on election of a person to the post of a judge of the Supreme Court of Ukraine or dismissal of a judge from his/her post;

- 7) inform the High Qualifications Commission of Ukraine about availability of vacant or temporary vacant posts in the court within 10 days term;
- 8) be in charge of the operation of the staff of the Supreme Court of Ukraine; assign to the members of court staff the ranks of public servants, in the order prescribed by the Law, provide them with incentives and mete out disciplinary punishment in the manner prescribed by legislation;
- 9) inform the plenary meeting of the Supreme Court of Ukraine on the performance of the Supreme Court of Ukraine;
- 10) exercise other powers under the law.

The Chief Justice of the Supreme Court of Ukraine shall issue orders and instructions concerning the matters falling within his/her administrative jurisdiction.

2. The Chief Justice of the Supreme Court of Ukraine shall be member of the High Council of Justice ex officio.

3. Should the Chief Justice of the Supreme Court of Ukraine be absent his/her administrative responsibilities shall be exercised by the Deputy Chief Justice of the Supreme Court of Ukraine, and if the second is absent, administrative responsibilities shall be exercised by a judge of this court, which has the largest experience working on the post of a judge.

#### **Article 38. Election of Chief Justice of the Supreme court of Ukraine**

1. The Chief Justice of the Supreme Court of Ukraine shall be elected at the Supreme Court of Ukraine Plenary meeting for a term of five years by secret vote. The Chief Justice shall be deemed elected if the majority of the total Plenum membership has voted for him /her.

2. The procedure of election of the Chief Justice of the Supreme Court of Ukraine and his/her removal from the post shall be established as per the internal regulations of the Plenary meeting of the Supreme Court of Ukraine passed by the Plenary meeting. No changes shall be allowed in the said procedure within six months before expiry of the term of office of the Chief Justice of the Supreme Court of Ukraine.

#### **Article 39. Deputy Chief Justice of the Supreme Court of Ukraine**

1. The Deputy Chief Justice of the Supreme Court of Ukraine shall run the operation of structural divisions of the Court pursuant to the fixed procedure of allocation of administrative duties; may preside over the sessions of the boards of justices of the Supreme Court of Ukraine.

The Deputy Chief Justice of the Supreme Court of Ukraine shall issue the orders and instructions falling within the limits of his/her administrative power.

2. The Deputy Chief Justice of the Supreme Court of Ukraine shall be appointed to the post from among the judges of the Supreme Court of Ukraine for a term of five years and be removed from the post by the Plenary Meeting of the Supreme Court of Ukraine. The decision on appointment of the Deputy Chief Justice of the Supreme Court of Ukraine shall



be passed by secret ballot not later than within a period of three months from the date of creation of a relevant vacant post. He/she may be elected for the post repeatedly.

3. The Deputy Chief Justice of the Supreme Court of Ukraine may be removed from his/her post before his/her terms in office expire according to the procedure, stipulated by Regulations of the Plenum of the Supreme Court of Ukraine.

#### **Article 40. Judicial Chambers of the Supreme Court of Ukraine**

1. The Judicial Chambers of the Supreme Court of Ukraine shall:

- 1) provide administration of justice by the boards of judges of the Supreme Court of Ukraine in relative cases;
- 2) analyze the court statistics and study the judicial practice;
- 3) prepare the draft resolutions of the Plenary Meeting of the Supreme Court of Ukraine;
- 4) exercise other powers under the law.

2. A Judicial Chamber of the Supreme Court of Ukraine shall be run by the Chair of a Judicial Chamber.

3. The Chair of a Judicial Chamber of the Supreme Court of Ukraine shall:

- 1) provide for operation of a relevant Judicial Chamber;
- 2) provide for analysis of the court statistical data, study and generalization of the judicial practice pertaining to the jurisdiction of a Judicial Chamber;
- 3) submit for consideration of the Plenary Meeting of the Supreme Court of Ukraine the proposals on the necessity for clarifying specific issues of application of the law in judicial practice by courts;
- 4) exercise other powers under the law.

4. A group of scientific consultants of the Supreme Court of Ukraine shall function at a Judicial Chamber.

#### **Article 41. Plenary Meeting\_of the Supreme Court of Ukraine**

1. The Plenary Meeting\_of the Supreme Court of Ukraine is a collective body, whose jurisdictions are pursuant to the Constitution of Ukraine and this Law. The Presidium of the Supreme Court of Ukraine consists of all judges of the Supreme Court of Ukraine.

2. The Plenary meeting of the Supreme Court of Ukraine shall:

- 1) in keeping with the procedure under this Law, elect the Chief Justice of the Supreme Court of Ukraine and his/her Deputy and remove them from the posts by secret ballot;
- 2) appoint to and remove persons from the posts of Chairs of Judicial Chambers of the Supreme Court of Ukraine;

3) appoint and dismiss Secretary for the Plenary meeting of the Supreme Court of Ukraine from among the judges of the Supreme Court of Ukraine on suggestion of the Chief Justice of the Supreme Court of Ukraine;

4) hear the progress reports of the Chief Justice of the Supreme Court of Ukraine, Deputy Chief Justice of the Supreme Court of Ukraine, the Chairs of Judicial Chambers of the Supreme Court of Ukraine, the Chairs of the high specialized courts regarding the operation of Judicial Chambers and relevant courts;

5) clarify for the courts the application of the laws in force in judicial practice on the basis of its generalization and analysis of the court statistics with the purpose of identical application of norms of law in the judicial practice;

6) decide on applying to the Constitutional Court to consider the issues on constitutional validity of the laws in force, also on official interpretation of the Constitution and laws of Ukraine;

7) approve, the conclusion on presence or absence of the evidences of high treason or other crimes in the actions of the President of Ukraine which he is charged with; also approve the submission for consideration of the Verkhovna Rada the judgment about the impossibility for the President of Ukraine to exercise his powers on medical grounds.

3. A session of the Plenary Meeting of the Supreme Court of Ukraine shall be considered as legally competent if attended by at least two thirds of its members.

4. The Minister of Justice of Ukraine has a right to take part in the work of a Plenary Meeting of the Supreme Court of Ukraine when issues stated in items 4, 5, and 6 of this article are under Plenum's consideration.

Representatives of state government bodies, scientific institutions, public organizations and mass media may be invited to a session of the Plenary Meeting of the Supreme Court of Ukraine.

5. A Plenary Meeting of the Supreme Court of Ukraine shall be convened if necessary but at least once in three months. The participants in a Plenary Meeting shall be informed about its date and the issues to be discussed at it not later than ten days before holding the meeting.

6. The Plenary Meeting shall be chaired by the Chief Justice of the Supreme Court of Ukraine or, in case of his/her absence, by the First Deputy Chief Justice or a Deputy Chief Justice of the Supreme Court of Ukraine pursuant to the Regulations.

7. The procedure of work of a Plenary Meeting of the Supreme Court of Ukraine shall be established by this Law and the Regulations of the Plenary Meeting of the Supreme Court of Ukraine adopted in conformity with this Law.

8. A Plenary Meeting of the Supreme Court of Ukraine shall pass the resolutions on the issues considered by it. The resolutions of a Plenary Meeting of the Supreme Court of Ukraine shall be signed by the person presiding over the Plenary Meeting and the Secretary of Plenary Meeting, and published in the official edition of the Supreme Court of Ukraine.

9. The Secretary of Plenary Meeting of the Supreme Court of Ukraine shall organize the work of the secretariat of the Plenary Meetings, prepare the Plenary Meetings, keep the Plenary Meeting's minutes and exercise control over fulfillment of the decisions taken by a Plenary Meeting of the Supreme Court of Ukraine.

#### **Article 42. Staff of the Supreme Court of Ukraine**

1. The staff of the Supreme Court of Ukraine shall be available to provide for organizational, methodological, financial, and information support of operation of the Supreme Court of Ukraine. The staff regulations, the number of judicial employees and the staff structure shall be approved by the Plenary Meeting of the Supreme Court of Ukraine as proposed by the Chief Justice of the Supreme Court of Ukraine.

2. The staff of the Supreme Court of Ukraine shall be headed by the head of the staff. The head of the staff of the Supreme Court of Ukraine shall represent the Supreme Court of Ukraine as a legal entity, approve personnel list and budget of costs for maintenance of the Supreme Court of Ukraine, and approve regulations regarding structure subdivisions of the staff of the Supreme Court of Ukraine.

3. The materials pertaining to operation of the Supreme Court of Ukraine shall be kept in the Archives of the Supreme Court of Ukraine.

#### **Article 43. Scientific and consultative council and editions of the Supreme Court of Ukraine**

1. The Scientific and consultative council shall be set up at the Supreme Court of Ukraine that consists of the high-qualified law experts for preliminary consideration of the draft resolutions of a Plenary Meeting of the Supreme Council of Ukraine concerning the interpretation of the laws in force, drawing the conclusions on the draft enactments and other aspects of operations of the Supreme Court of Ukraine that require scientific support.

2. The procedure of organization and work of the Scientific and consultative council of the Supreme Court of Ukraine shall be determined by the regulations to be approved by Plenary Meeting of the Supreme Council of Ukraine.

3. The Supreme Court of Ukraine has its official edition that publishes the materials pertaining to judicial practice of the Supreme Court of Ukraine and other courts of general jurisdiction as well as the materials on the issues connected with operation of courts of general jurisdiction, and other materials.

### **Section III. QUALIFICATIONS COMMISSIONS OF JUDGES**

#### **Article 44. The status of qualifications commissions of judges**

1. Qualifications commissions are assigned with a task of establishing corps of professional judges that are able to administer law in good faith, efficiently and impartially. To achieve this goal the commissions shall select and recommend nominees to hold the posts of professional judges; shall determine level of the nominees' professional skills. The said commissions shall also deal with the issues connected with the judges' dismissal from their posts in cases, determined by the law. .

#### **Article 45. Types of the qualifications commissions of judges**

1. The following qualifications commissions shall function within the judicial system of Ukraine:

- 1) Regional qualifications commissions;
- 2) High Qualifications Commission of Judges of Ukraine.

2. Regional qualifications commissions of judges shall operate in regions, the city of Kyiv and Autonomous Republic of Crimea.

3. High Qualifications Commission of Judges of Ukraine shall function in the city of Kyiv.

#### **Article 46. Membership of the qualifications commissions of judges**

1. The regional qualifications commissions of judges shall include seven members that have a higher legal education. The regional qualifications commissions of judges shall include:

- 1) four judges, appointed to a qualifications commissions of judges from each court jurisdiction by the respective congress of judges of local and appeal courts;
- 2) one person appointed by the Minister of Justice of Ukraine;
- 3) one person authorized by a relevant regional, Kyiv city council and the Verkhovna Rada of Autonomous Republic of Crimea. at the place of location of a qualifications commission of judges;
- 4) one person, appointed by the regional department of the State Judicial Administration of Ukraine.

2. The High Qualifications Commission of Judges of Ukraine shall include fifteen members that have a higher legal education. This Commission shall consist of:

- 1) eight judges, appointed by the Congress of Judges of Ukraine (two judges from each court jurisdiction);
- 2) two persons appointed by the Verkhovna Rada of Ukraine;
- 3) two persons appointed by the President of Ukraine;
- 4) one person appointed by the Commissioner for human rights of the Verkhovna Rada of Ukraine;
- 5) one person appointed by the Minister of Justice of Ukraine;
- 6) one person appointed by the congress of lawyers of Ukraine from a number of lawyers.

3. The term of powers of the member of a qualifications commission of judges shall be three years from the day of appointment. The person may not execute powers of the member of a judicial board of experts two terms in a row.

4. The members of the High Qualifications Commission of Judges of Ukraine for the time of their powers are transferred to the High Qualifications Commission of Judges of Ukraine and can not execute their professional duties at their main place of work.

#### **Article 47. Formation of the qualifications commissions of judges**

1. Members of the regional qualifications commissions of judges from among the judges shall be appointed by secret or open ballot by the conferences of judges of relevant courts while members of the High Qualifications Commission of Judges of Ukraine shall be elected by the Congress of Judges of Ukraine through open or secret ballot. In case of withdrawal of a judge – a member of the qualifications commission of judges prior to another person from among the judges shall be appointed by the Congress of Judges of Ukraine, the Council of Judges of Ukraine appoints another person from among the judges.

2. Chairs of courts, their deputies, chairs of judicial chambers, members of the High Council of Justice and Discipline Commission of Judges of Ukraine can not be appointed to regional qualifications commission of judges and the High Qualifications Commission of Judges of Ukraine.

3. The relevant council, mentioned in the part 1 of article 46, shall make a decision on appointment of a member of a regional qualifications commission of judges in the order, prescribed by its regulations.

4. The regional department of the State Judicial Administration of Ukraine shall appoint a member of a regional qualifications commission of judges by the decree of its head.

5. The President of Ukraine shall appoint by his decree members of the High Qualifications Commission of Judges of Ukraine.

6. The Verkhovna Rada of Ukraine will pass the resolution on appointment of members of the High Qualifications Commission of Judges of Ukraine.

7. The Commissioner of the Verkhovna Rada of Ukraine for human rights shall issue a decree on appointment of the member of the High Qualifications Commission of Judges of Ukraine.

8. The Minister of Justice of Ukraine shall issue the order on appointment of members of the qualifications commissions of judges..

9. The congress of lawyers of Ukraine shall appoint a member of the High Qualifications Commission of Judges of Ukraine in the order, prescribed by the Law of Ukraine “On the High Council of Justice” for election of members of the High Council of Justice.

10. A regional qualifications commission of judges shall be considered as duly competent provided at least five persons have been appointed (elected) to its membership, while the High Qualifications Commission of Judges of Ukraine shall be considered as duly competent provided at least eleven persons have been appointed to its membership.

#### **Article 48. Powers of a regional qualifications commission of judges**

1. A regional qualifications commission of judges shall:

- 1) conduct the qualification certification of judges and assign the qualification ranks (not over the third category) to judges;
- 2) publicize information regarding initiating of the issue of election of judges without term limitation;
- 3) terminate the term of resignation of the judges of local courts;
- 4) exercise other duties under the law.

2. The order and procedure of operation of the regional qualifications commission of judges is determined by its regulations, accepted by the majority of the general composition of the board according to the Typical Regulations of work of a regional qualifications commission of judges, approved by the Council of Judges of Ukraine.

#### **Article 49. Powers of the High Qualifications Commission of Judges of Ukraine**

1. The High Qualifications Commission of Judges of Ukraine shall:

- 1) check the compliance of candidates for the posts of judges with the requirements, determined by the law, make decisions regarding recommendation of a candidate for a position of a judge or election of judge without term limitation (including to the court of higher level) or provide conclusion for dismissal of a judge from the post; ;
- 2) conduct the qualification certification of judges and assign the qualification ranks (starting from the second category) to judges;
- 3) review complaints on the decisions of the regional qualifications commissions of judges;
- 4) publicize information regarding opening of the competition for vacant posts of judge;
- 5) exercise other duties under the law.

2. On the basis of the results of consideration of a complaint the High Qualifications Commission of Judges of Ukraine may leave a decision of a regional qualifications commission of judges unchanged, change such a decision or cancel it.

3. The procedure of operation of the High Qualifications Commission of Judges of Ukraine shall be determined by its Regulations, passed by a majority of votes of members of the High Qualifications Commission of Judges of Ukraine.

#### **Article 50. Meeting of a qualifications commission of judges**

1. A qualifications commission of judges shall hold its meetings regularly, but not later than within two months after a commission received a relevant request or proposal, if other is not determined by the law.
2. A qualifications commission's of judges meeting shall be transparent unless decided otherwise by a commission.
3. The meetings of a qualifications commission of judges shall be prepared by Chair of a commission or by secretary of a board as ordered by Chair of a board. Chair of a judicial board of experts shall fix the time and place of holding a meeting, also the issues to be

considered by it; not later than 10 days before a meeting the Chair shall inform about the said meeting and issues members of the board and other interested persons.

4. A meeting of a qualifications commission of judges shall be considered as duly competent if attended by majority of votes of its members.

5. A meeting of a qualifications commission of judges shall be chaired by Chair of a commission; in the event of his/her absence a meeting shall be chaired by deputy Chair or secretary of a commission. Other persons may be invited to participate in a commission's meeting if a commission decides that the presence of such persons is necessary.

#### **Article 51. The rights of members of a qualifications commission of judges**

1. A member of a qualifications commission of judges has the right to:

1) study the materials submitted for consideration of a board, participate in their analysis and verification;

2) submit his/her requests and proposals, also other documents concerning the issues to be considered;

3) submit the proposals on a draft resolution of a board pertaining to any issues, also vote for or against a proposal;

4) express his/her personal opinion on any resolution of the judicial board of experts.

#### **Article 52. Withdrawal of member of a qualifications commission of judges**

1. Member of a qualifications commission of judges has no right to participate in consideration of issues or in the decision making process and shall be withdrawn (self-withdrawn) provided the facts that put in doubt the impartiality of such a member have been proved. Given the said facts such member shall submit his/her self-withdrawal. For the same reasons the withdrawal of member of a commission may be requested by the person under a commission's consideration, also the persons that requested a commission to do so.

2. The withdrawal shall be well-grounded and submitted in writing to a commission prior to consideration of this issue. The person presiding over a meeting shall inform about this the commission's member subject to withdrawal.

3. The decision on withdrawal (self-withdrawal) of a commission's member shall be taken by a majority of votes of the commission's members attending a meeting provided the commission's member subject to withdrawal (self-withdrawal) is absent.

#### **Article 53. Decisions to be taken by a qualifications commission of judges**

1. The decisions of a qualifications commission of judges shall be taken by a majority of votes of the commission's members attending a meeting if otherwise not provided by this Law. The voting shall be conducted in the absence of the person concerned and other persons invited to attend the meeting.

2. While considering the issue about the judge that is a commission's member, such judge shall not participate in the discussion and voting procedure.

3. The decision of a qualifications commission of judges shall be taken in writing and contain the following: the date and place of taking this decision, the commission's composition, the issues under consideration, and the grounds for taking the decision. The decision shall be signed by the chair of a meeting and members of a commission that took part in a meeting.

4. Given a dissenting personal opinion, the latter shall be presented in writing by the member of a commission concerned and attached to the case; the person presiding over a meeting shall inform the meeting about this but not disclose the content of such opinion.

5. Within the space of seven days the copy of the decision of a qualifications commission of judges shall be sent to the person that requested to take the decision to this effect and the person who was the subject of such a decision.

#### **Article 54. Support of operation of the qualifications commissions of judges**

1. The High Qualifications Commission of Judges of Ukraine shall establish its own secretariat for the organizational support of its activity. Secretariat of the regional qualifications commission of judges is created under respective regional department of the State Judicial Administration of Ukraine.

2. The High Qualifications Commission of Judges of Ukraine is a legal entity, has its own Seal with the State Emblem of Ukraine and its name, independent balance and bank accounts.

3. Members of the High Qualifications Commission of Judges of Ukraine shall be provided with the compensation, provided by the legislation accordingly for judges, employees of Presidential staff, staff of Verkhovna Rada of Ukraine, secretariat of the Commissionaire on Human Rights of the Verkhovna Rada of Ukraine, Ministry of Justice of Ukraine. Compensation shall be paid according to salaries for posts, which they occupy in bodies they were sent from.

Resigned judges, lawyers, who are the members of the High Qualifications Commission of Judges of Ukraine, shall be paid compensation in amount of average salary of other members of the board.

Compensation shall be paid from the State Budget of Ukraine.

### **Section IV. DISCIPLINE COMMISSION OF JUDGES OF UKRAINE**

#### **Article 55. The status of the Discipline Commission of Judges of Ukraine**

1. The Discipline Commission of Judges of Ukraine is continuously operating body in the judicial system of Ukraine, which shall bear functions of execution of disciplinary application to judges of local and appeal courts.

#### **Article 56. Composition of the Discipline Commission of Judges of Ukraine**

1. The Discipline Commission of Judges of Ukraine shall include fifteen members that have a higher legal education. The Commission shall include:



- 1) nine judges, including those retired, who has not reached 70 years, appointed by the Congress of Judges of Ukraine, but not less than two representatives from each specialized jurisdiction;
  - 2) two persons appointed by the President of Ukraine;
  - 3) two persons appointed by the Verkhovna Rada of Ukraine;
  - 4) one person appointed by the Minister of Justice of Ukraine;
  - 5) one person appointed by the congress of lawyers of Ukraine from a number of lawyers
2. The term of powers of the member of Discipline Commission of Judges of Ukraine shall be tree years from the day of appointment.
3. The members of Discipline Commission of Judges of Ukraine for the time of their powers are transferred to the Discipline Commission of Judges of Ukraine and can not execute their professional duties at their main place of work.

#### **Article 57. Formation of the Discipline Commission of Judges of Ukraine**

1. Members of the Discipline Commission of Judges of Ukraine from among the judges shall be elected by secret or open ballot by the conferences of judges of Ukraine. In case of withdrawal of a judge – a member of the Discipline Commission of Judges of Ukraine prior to another person from among the judges shall be appointed by the Congress of Judges of Ukraine, the Council of Judges of Ukraine appoints another person from among the judges.
2. Chairs of courts, their deputies, members of the High Council of Justice and the High Qualifications Commissions of Judges of Ukraine can not be elected to Discipline Commission of Judges of Ukraine. A person that has a disciplinary punishment shall not be permitted to become a member of the Discipline Commission of Judges of Ukraine.
3. The President of Ukraine shall appoint by his decree members of the Discipline Commission of Judges of Ukraine.
4. The Verkhovna Rada of Ukraine will pass the resolution on appointment of members of the Discipline Commission of Judges of Ukraine.
5. The Minister of Justice of Ukraine shall issue the order on appointment of members of the Discipline Commission of Judges of Ukraine.
6. The convention of lawyers of Ukraine shall appoint a member of the Discipline Commission of Judges of Ukraine in the order, prescribed by the Law of Ukraine “On the High Council of Justice” for election of member of the High Council of Justice.
7. The Discipline Commission of Judges of Ukraine shall be considered as duly competent provided at least eleven persons have been appointed to its membership.

#### **Article 58. Support of operation of the Discipline Commission of Judges of Ukraine**

1. The Discipline Commission of Judges of Ukraine shall elect from its composition by open or secret ballot the Chairman of the Commission, his/her Deputy and Secretary of the

Commission. That candidate shall be considered elected, who received the majority of votes of the general composition of the Commission.

2. The Chair of the Discipline Commission of Judges of Ukraine shall provide for operation of the Commission, assign duties and responsibilities among its members, convene the meetings of the Commission, and preside at them, shall be responsible for the clerical work of the Commission.

3. In case of absence of the Chair of the Discipline Commission of Judges of Ukraine his/her duties shall be executed by his/her Deputy, in case of the Deputy's absence – duties are executed by the Secretary of the Commission.

4. The order and procedure of operation of the Discipline Commission of Judges of Ukraine is determined by its Regulations, accepted by the majority of the general composition of the Commission.

#### **Article 59. Meeting of the Discipline Commission of Judges of Ukraine**

1. Meetings of the Discipline Commission of Judges of Ukraine shall be transparent unless decided otherwise by the Commission.

2. The meetings of the Discipline Commission of Judges of Ukraine shall be prepared by Chair of the Commission or by Deputy Chair or Secretary of the Commission as ordered by Chair of a Commission. Chair of the Discipline Commission of Judges of Ukraine shall fix the time and place of holding a meeting of the Commission, also the issues to be considered by it; not later than 10 days before a meeting the Chair shall inform about the said meeting and issues the person subject to consideration, and other persons of address.

3. A meeting of the Discipline Commission of Judges of Ukraine shall be considered as duly competent if attended by the majority of its members.

4. A meeting of the Discipline Commission of Judges of Ukraine shall be chaired by Chair of the Commission; in the event of absence of the Chair a meeting shall be chaired by Deputy Chair or Secretary of the Commission. Other persons may be invited to participate in the Commission's meeting if the Commission decides that the presence of such persons is necessary.

#### **Article 60. The rights of members of the Discipline Commission of Judges of Ukraine**

1. A member of the Discipline Commission of Judges of Ukraine has the right to:

1) study the materials submitted for consideration of the Commission, participate in their analysis and verification;

2) submit his/her requests and proposals concerning the issues to be considered;

3) submit the proposals on a draft resolution of the Commission pertaining to any issues, also vote for or against a proposal;

4) express his/her personal opinion in writing on any resolution of the Discipline Commission of Judges of Ukraine.

#### **Article 61. Withdrawal of member of the Discipline Commission of Judges of Ukraine**

1. Member of the Discipline Commission of Judges of Ukraine has no right to participate in consideration of issues or in the decision making process and shall be withdrawn (self-withdrawn) provided the facts that put in doubt the impartiality of such a member have been proved. Given the said facts such member shall submit his/her self-withdrawal. For the same reasons the withdrawal of member of the Commission may be requested by the persons under the Commission's consideration, also the persons that requested the Commission to do so.

2. The withdrawal shall be well-grounded and submitted in writing to the Commission prior to consideration of this issue. The person presiding over a meeting shall inform about this the Commission's member subject to withdrawal.

3. The decision on withdrawal (self-withdrawal) of the Commission's member shall be taken by a majority of votes of the Commission's members attending a meeting provided the Commission's member subject to withdrawal (self-withdrawal) is absent.

#### **Article 62. Decisions to be taken by the Discipline Commission of Judges of Ukraine**

1. The decisions of the Discipline Commission of Judges of Ukraine shall be taken by a majority of votes of the general composition of the Commission. The voting shall be conducted in the absence of the court inspector, judge whose case is under consideration, and other persons invited to attend the meeting.

2. While considering the issue about the judge that is a member of the Discipline Commission of Judges of Ukraine, such judge shall not participate in the discussion and voting procedure.

3. The decision of the Discipline Commission of Judges of Ukraine shall be taken in writing and contain the following: the date and place of taking this decision, the composition of the Commission, the issues under consideration, and the grounds for taking the decision. The decision shall be signed by the chair of a meeting and members of the Commission that took part in a meeting.

4. Given a dissenting personal opinion, the latter shall be presented in writing by the member of the Commission concerned and attached to the case; the person presiding over a meeting shall inform the meeting about this but not disclose the content of such opinion.

5. Within the space of 7 days the copy of the decision (conclusion) of the Discipline Commission of Judges of Ukraine shall be sent to the court inspector, at whose inquiry this case was under consideration, and the judge who was the subject of such a decision.

#### **Article 63. Service of judicial inspectors**

1. The service of judicial inspectors shall operate under the Discipline Commission of Judges of Ukraine for examination of presence of grounds for bringing judges of local and appeal courts to disciplinary liability.

2. Judicial inspectors shall perform examinations of data regarding presence of grounds for bringing judge of local and appeal courts to disciplinary liability at the written order of the board of the Discipline Commission of three participants.

3. The number of judicial inspectors shall be determined by the Congress of Judges of Ukraine, accounting in average one judicial inspector for 200 judges of local and appeal courts.
4. Judicial inspectors are appointed by the Council of Judges of Ukraine from among the judges, retired judges, prosecutors, lawyers that worked as judges, prosecutors and advocates not less than ten years and did not reach 70 years and have perfect reputation. A person that has a disciplinary punishment may not become a judicial inspector.
5. Persons shall be appointed to the posts of judicial inspectors for three years and may not execute powers of a court inspector two terms in a row.
6. Judicial inspectors shall be sent to the Discipline Commission of Judges of Ukraine for the term of their powers and can not execute their powers of the main place of work.
7. Judicial inspectors shall conduct examinations in courts according to the decision of the Discipline Commission of Judges of Ukraine. According to the results of inspection in view of presence of the grounds, prescribed by the law, a judicial inspector shall initiate a disciplinary inquiry concerning the judge.

#### **Article 64. Provision of operation of the Discipline Commission of Judges of Ukraine and service of judicial inspectors**

1. In order to provide the operation of the Discipline Commission of Judges of Ukraine and service of judicial inspectors, there shall by a secretariat of the Discipline Commission of Judges of Ukraine created.
2. The Discipline Commission of Judges of Ukraine is a legal entity, has its own Seal with the State Emblem of Ukraine and its name, independent balance and accounts in bank establishments.
3. Members of the Discipline Commission of Judges of Ukraine, judicial inspectors shall be provided with the compensation, provided by the legislation accordingly for judges, employees of Ukrainian President's staff, staff of Verkhovna Rada of Ukraine, the Ministry of Justice of Ukraine, and prosecutors. Compensation shall be paid according to salaries for posts, which they occupy in bodies they were sent from.

Resigned judges, lawyers, who are the members of the Discipline Commission of Judges of Ukraine or judicial inspectors, shall be paid compensation in amount of average salary of other members of the Discipline Commission..

Compensation shall be paid from the State Budget of Ukraine.

### **Section V. JUDICIAL SELF-GOVERNMENT**

#### **Chapter 1. THE PRINCIPLES OF JUDICIAL SELF-GOVERNMENT**

##### **Article 65. Objectives of the judicial self-government authorities**

1. The judicial self-government exists for settling issues of internal operations of courts in Ukraine, which means independent collective resolution of matters, identified by professional judges.

2. The judicial self-government is one of the most important guarantees of independence of courts and judges. Activity of the judicial self-government authorities shall promote the creation of adequate organizational and other conditions essential for normal operation of courts and judges, firmly establish the independence of courts, protect judges from interference into the judicial activity, and also raise the quality of work with the court personnel.

3. Internal matters of court operation include issues of organizational provision of courts and judges' activities, social protection of judges and their families, and other matters that are not directly connected with execution of justice.

4. Objectives of the judicial self-government authorities in particular are as follows:

1) to provide for organizational unity of operation of judicial bodies; to strengthen the independence of courts, to protect them from any interference into their operation;

2) to participate in determination of the requirements concerning the personnel, financial, material, technical and other kinds of support of courts, to exercise control over the observance of fixed norms of such support;

3) to deal with the matters pertaining to the appointment of judges to the administrative posts, appointment of the judges to the Constitutional Court of Ukraine, appointment of the judges to the High Council of Justice, appointment of the judges to the qualifications commissions of judges, and the Disciplinary Commission of Judges of Ukraine;

4) to encourage judges and managerial personnel of courts;

5) to exercise control over operation of courts and other bodies within the court system.

#### **Article 66. Organizational forms of the judicial self-government**

1. The organizational forms of the judicial self-government include the meetings of judges, conferences of judges, the Congress of Judges of Ukraine, councils of judges and their executive bodies.

2. The judicial self-government in Ukraine is implemented through:

1) the meetings of judges of a local court, a court of appeal, a high specialized court, the Supreme Court of Ukraine;

2) the conferences of judges of local courts and the courts of appeal of the Autonomous Republic of the Crimea, regions [oblasts), the cities of Kyiv and Sevastopol;

3) the Congress of Judges of Ukraine.

3. The procedure of execution of judicial self-government shall be determined according to the Constitution of Ukraine and this Law, and other laws, and also by regulations and norms, approved by bodies of the judicial self-government according to this Law.

## **Chapter 2. MEETINGS OF JUDGES AND CONFERENCES OF JUDGES**

### **Article 67. The meeting of judges**

1. The meetings of judges shall be understood as the meeting of judges of a relevant court at which they discuss the issues of internal operation of this court and take the collective decision on the issues under consideration.

2. The meetings of judges of a local court shall be convened by the chair of a relevant court both on his/her initiative and at the request of at least two thirds of the total number of judges of a given court.

3. The meetings of judges of a local court shall be convened as necessary but at least once in six months. The meetings of judges of courts of appeal shall be convened at least once within a period of three months.

4. A meeting of judges of a local court shall be considered as duly competent if attended by at least two thirds of the total number of judges of this court. The court staff and other persons may be invited to attend the meeting of judges but only the judges of a given court may take part in the vote.

5. The meeting of judges:

1) shall consider the issues concerning the internal operation of a court and its staff and make decisions concerning these issues, which are mandatory for execution;

2) shall hear the reports of judges holding the administrative posts in a given court, head of the court staff;

3) shall approve the procedure of establishment of boards of judges for consideration of cases and selection a chair among them, order of substitution of judges in case of their absence;

4) shall approve procedure and schedule of judges' vocations;

5) shall execute other powers under the law.

The meetings of local courts and the courts of appeal will elect the delegates to relevant conferences of judges.

6. The meetings of judges may submit the proposals on settlement of the issues concerning the internal operation of a court to the state bodies and local self-government authorities which shall consider the proposals and comment on them.

7. The meetings of judges may consider the practice of application of the laws in force, work out the proposals on improvement of this practice and the laws in force, and submit the proposals for consideration of the conferences of judges and the congress of judges of Ukraine.

8. The meetings of judges may form a council of a relative court and delegate their certain responsibilities to it.

**Article 68. The meetings and powers of the meetings of judges of the Supreme Court of Ukraine and high specialized courts**

1. The meetings of judges of the Supreme Court of Ukraine, the meetings of judges of high specialized court shall be convened by the chair of a court or at the request of at least one third of the total number of judges of a given court.

2. The meetings of judges of the Supreme Court of Ukraine, the meetings of judges of a high specialized court shall be convened as may be necessary but at least once a year.

3. The meetings of judges of the Supreme Court of Ukraine and the meetings of judges of a high specialized court shall be considered as duly competent if attended by more than a half of the total number of judges of a given court. The managerial staff of a court and other persons may be invited to attend the meetings of judges but only the judges of a given court have the right to vote.

The meetings of judges shall consider the issues concerning the internal operation of a court or the performance of individual judges and the staffers of court staff and shall take the pertinent decisions binding for the judges of a given court. The meetings shall hear the reports of judges holding the administrative posts in a given court, also the reports presented by heads of structural divisions of the court staff.

The meetings of judges of the high specialized court and judges of the Supreme Court of Ukraine may:

- 1) submit the proposals for consideration of the Congress of Judges of Ukraine;
- 2) choose delegates for Congress of Judges of Ukraine;
- 3) appoint and dismiss from the post the head of the court staff and his/her deputies;
- 4) approve staff regulations, general quantity and structure of the staff;

**Article 69. Fulfillment of decisions made by the meetings of judges**

1. Fulfillment of decisions taken by the meetings of judges shall be done by the chair of a relevant court as ordered by the meetings.

**Article 70. Conferences of judges**

1. A conference of judges shall be understood as a meeting of representatives of judges (delegates) of relevant courts at which they discuss the operation of these courts and take a collective decision on the issues under consideration.

2. A conference of judges of relevant courts shall:

- 1) discuss and settle the issues concerning the financial and organizational support of operation of relevant courts;
- 2) hear the reports submitted by the relevant bodies of a conference and the relevant boards of the State Judicial Administration;

- 3) hear the reports submitted by the relevant regional qualifications commission of judges regarding their work within the board;
  - 4) fix the number of members of a council of judges and elect its members;
  - 5) elect the members of relevant regional qualifications commissions of judges;
  - 6) work out the proposals to be submitted for consideration of the Congress of Judges of Ukraine;
  - 7) submit the proposals to the state bodies and local self-government authorities concerning the operation of relevant courts;
  - 8) elect the delegates to the Congress of Judges of Ukraine;
  - 9) discuss other issues falling within jurisdiction of the judicial self-government authorities.
3. A conference of judges takes the decisions binding for its executive bodies and the judges that hold the administrative posts in relevant courts.
4. A conference of judges shall elect the council of judges by open or secret ballot from among the delegates of a conference; this council is an executive body of a conference of judges.

#### **Article 71. Convocation of the conferences of judges**

1. A conference of judges shall be convened at least once a year by the decision made by a relevant council of judges. A conference of judges may be also convened at the request of at least on third of the delegates that attended the previous conference of judges. Provided a council of judges avoids fulfilling the said request, the persons who initiated the convocation of a conference (at least one third of the delegates of the previous conference) shall set up the organizational bureau for convocation a conference of judges. This bureau has the powers of a council of judges concerning the convocation of a conference.
2. The judges of relevant courts shall be informed about the date of beginning of a conference and its agenda not later than fifteen days before the beginning of a conference.

#### **Article 72. Procedure of holding the conferences of judges**

1. A conference of judges shall be considered as duly competent if attended by at least two thirds of the total number of delegates of relevant courts. A conference may also be attended by the judges who are not the delegates to a conference.
2. The delegates to a conference shall be elected by the meetings of judges through secret or open ballot on an alternative basis with free nomination of the persons for election as the delegates to a conference.
3. A conference of judges is usually opened by the chair of a relevant council of judges; provided a conference has been convened not by the decision of a council of judges, it shall be opened by the authorized representative of the organizational bureau for convocation of a conference of judges.



4. A conference of judges shall elect by open ballot from among the delegates to a conference the presidium of a conference and other working bodies of a conference; the number of members of the presidium is fixed by the decision of a conference. The presidium shall supervise the work of a conference of judges.

5. A conference of judges shall approve the agenda of a conference and its regulations.

6. A conference of judges may be attended by representatives of the state bodies, local self-government authorities, educational and scientific institutions, law-enforcement bodies, public organizations.

7. The decision of a conference of judges shall be taken by a majority of votes of the delegates to a conference by open or secret ballot.

8. Other issues of holding a conference of judges are specified by the regulations of a relevant conference of judges.

### **Article 73. The councils of judges**

1. Within the period between the conferences of judges the functions of a judicial self-government shall be performed by a relevant council of judges.

2. A council of judges shall elect from among its members the chair, deputy chair and secretary of a council of judges.

3. Within the period between the conferences of judges a council of judges shall provide for execution of the decisions taken by a conference and control over their observance, also decide on convocation of the next conference. The powers and operation of a council of judges shall be specified by this Law and the regulations of a council of judges approved by a conference of judges.

4. A council of judges shall:

1) exercise control over the operation of relevant regional department of the State Judicial Administration of Ukraine, not less than once a year hear the progress reports of a chair of the regional department of the State Judicial Administration of Ukraine regarding provision of operation of general jurisdiction courts;

2) consider the issues of legal and social protection of judges, provision of consumer and household services for judges and their families, and take the decisions to this effect;

3) submit to the Council of Judges of Ukraine proposals of candidates to fill in positions of chairs and deputy chairs of relevant courts;

4) submit the proposals on operation of relevant courts for consideration of the state bodies and local self-government authorities;

5) take other decisions falling within the limits of its power.

5. The decisions taken by a council of judges shall be binding for the judges holding the administrative posts on relevant courts. Decision of a council of judges may be canceled only by a conference of judges and suspended by the decision of the Council of Judges of Ukraine.

### **Chapter 3. THE HIGHEST JUDICIAL SELF-GOVERNMENT AUTHORITIES**

#### **Article 74. The Congress of Judges of Ukraine**

1. The highest judicial self-government authority is the Congress of Judges of Ukraine.
2. The Congress of Judges of Ukraine shall:
  - 1) hear the report of the Council of Judges of Ukraine on fulfilling the tasks of the judicial self-government authorities, the state of affairs in the field of financial and organizational support of courts operations;
  - 2) hear the progress reports of the High Council of Justice, the Disciplinary Commission of Judges of Ukraine, High Qualifications Commission of Judges of Ukraine and Head of the State Judicial Administration of Ukraine about their activity, may express mistrust to the Head of the State Judicial Administration of Ukraine;
  - 3) appoint and dismiss the judges of the Constitutional Court of Ukraine in compliance with the Constitution of Ukraine and the law;
  - 4) appoint members of the High Council of Justice and make decisions on termination of their powers according to the Constitution of Ukraine and the law;
  - 5) appoint and dismiss the members of the High Qualifications Commission of Judges of Ukraine and Discipline Commission of Judges of Ukraine;
  - 6) submit the proposals on operation of courts for consideration of the state bodies and officials;
  - 7) determine the number of members of the Council of Judges of Ukraine and elect the Council of Judges of Ukraine;
  - 8) consider other issues pertaining to the judicial self-government.
3. The Congress of Judges of Ukraine takes the decisions that shall be binding for all judicial self-government authorities and all professional judges.

#### **Article 75. Convocation of the Congress of Judges of Ukraine**

1. A regular Congress of Judges of Ukraine shall be convened by the Council of Judges of Ukraine once in three years. An extraordinary Congress of Judges of Ukraine may be also convened at the request of at least one third of the delegates to a conference of judges, or at the request of a general meeting of the Supreme Court of Ukraine.
2. The Council of Judges of Ukraine shall decide on convocation of a regular or an extraordinary congress, approve the preliminary agenda of a congress, and fix the date and the place of holding a congress and the norm of representation of judges at it.
3. The President of Ukraine, People's Deputies of Ukraine, Commissioner for human rights of the Verkhovna Rada of Ukraine, members of the High Council of Justice, representatives of the Government and other central state bodies, representatives of scientific and educational institutions, public organizations, and other persons may be invited to participate in the work of a Congress of Judges of Ukraine.

4. Provided the Council of Judges of Ukraine does not convene the Congress of Judges at the request of conferences or meetings of judges as per part one of this Article, the initiators of convocation of an extraordinary congress will set up the organizational committee for convocation of a Congress of Judges of Ukraine that shall have the powers of the Council of Judges of Ukraine concerning the convocation of a Congress. In this case the organizational committee shall, without any delay, publish the information about its establishment in official printed mass media and fix the date of holding an extraordinary congress of judges not before than two months from the day of establishment of the organizational committee.

5. The judges of all courts shall be informed about the date of holding a Congress of Judges of Ukraine and its agenda not later than 30 days before the beginning of a congress.

#### **Article 76. Election of delegates to a Congress of Judges of Ukraine**

1. The delegates to a Congress of Judges of Ukraine shall be elected by the conferences of judges, while the delegates from high specialized courts and the Supreme Court of Ukraine shall be elected by the meeting of this court in accordance with the norm of representation fixed by the Council of Judges of Ukraine. The general meeting of the judges of the Constitutional Court of Ukraine shall elect three delegates from among the judges of this court to a Congress of Judges of Ukraine.

2. The delegates to a congress of judges of Ukraine shall be elected by open or secret ballot, on an alternative basis with free nomination for election.

#### **Article 77. The procedure of holding a Congress of Judges of Ukraine**

1. A Congress of Judges of Ukraine shall be considered as legally competent if attended by at least two thirds of the total number of elected delegates.

2. A Congress of Judges of Ukraine shall be opened by Chair of the Council of Judges of Ukraine; In case of absence of the Chair this shall be done by the Deputy Chair or Secretary of the Council of Judges of Ukraine.

3. A Congress shall elect by open ballot the Congress presidium whose membership is fixed by a congress. The presidium shall supervise the work of a Congress of Judges of Ukraine.

4. A Congress shall discuss and approve its agenda and internal regulations, elect the credentials commission, secretariat and other working bodies.

5. The work of a Congress of Judges of Ukraine shall be duly recorded.

6. The decisions of the Congress of Judges of Ukraine shall be taken by a majority of votes by open or secret ballot. The issues indicated in Items 3-5, Part 2, Article 74 of this Law shall be settled by secret ballot.

7. Other issues relating to the procedure of holding a Congress of Judges of Ukraine shall be regulated by the internal regulation of a Congress of Judges of Ukraine approved by a Congress.

#### **Article 78. The Council of Judges of Ukraine**

1. The Council of Judges of Ukraine shall be the highest judicial self-government authority within the period between the congresses of judges of Ukraine.
2. The Council of Judges of Ukraine shall be elected by a Congress of Judges of Ukraine of thirty tree members;

The proposals on nomination of the candidates to the Council of Judges of Ukraine may be submitted by the delegations from a conference or a meeting of judges, also by individual delegates of the Congress with the following quota:

- 1) one representative from the Constitutional Court of Ukraine;
- 2) one representative from each Judicial Chamber of the Supreme Court of Ukraine;
- 3) two representatives from each high specialized court;
- 4) two representatives from economic courts of appeal;
- 5) two representatives from administrative courts of appeal;
- 6) two representatives from judicial chambers of criminal cases in courts of appeal;
- 7) two representatives from judicial chambers of civil cases in courts of appeal;
- 8) two representatives from circuit criminal courts;
- 9) two representatives from circuit economic courts;
- 10) two representatives from circuit administrative courts;
- 11) five representatives from district courts.

Judges that occupy administrative positions may not be included in the Council of Judges of Ukraine.

3. Members of the Council of Judges of Ukraine shall elect at its meeting from among its members the Chair of the Council of Judges of Ukraine, Deputy Chair and Secretary, as well as the presidium of the Council of Judges of Ukraine. The presidium members and their number are fixed by the Council of Judges of Ukraine pursuant to the provisions about the Council of Judges of Ukraine.

4. Within the period between the congresses, the Council of Judges of Ukraine shall provide for control and execution of the Congress decisions, also decide on the convocation of a congress. The powers and procedure of work of the Council of Judges of Ukraine are determined by this Law and the provisions on the Council of Judges of Ukraine approved by a Congress of Judges of Ukraine.

5. The Council of Judges of Ukraine shall:

- 1) provide for taking the measures essential for independence of courts and judges, improvement of the organizational support of courts;

- 2) approve the procedure of distribution of cases among judges according to their specialization, norms of caseload of judges, coefficients of case complication, etc;
- 3) consider the issues on legal and social protection of judges and their families, take the decisions to this effect;
- 4) exercise control over the operation of courts and the State Judicial Administration of Ukraine, hear the progress reports of court chairs and officials of the State Judicial Administration of Ukraine;
- 5) review complaints of judges on the chairs of courts, their deputies, heads of judicial chambers and other officials;
- 6) appoint to their positions chairs of local, appeal, high specialized courts and deputy chairs of appeal and high specialized court and dismiss them from the posts;
- 7) hear the reports on the work of members of the High Qualifications Commission of Judges of Ukraine, the Discipline Commission of Judges of Ukraine, appointed by the Congress of Judges of Ukraine (Council of Judges of Ukraine);
- 8) submit the proposals pertaining to the operation of courts for consideration of the state bodies and local self-government authorities;
- 9) have the right to suspend the decisions made by the councils of judges that doesn't correspond to the Constitution of Ukraine and the laws in force, or run counter to the decisions of the Council of Judges of Ukraine.
- 10) make other decisions under their jurisdiction.

6. The decisions taken by the Council of Judges of Ukraine shall be binding for all judicial self-government authorities. A decision of the Council of Judges of Ukraine may be canceled by a Congress of Judges of Ukraine.

#### **Article 79. Support of operation of the judicial self-government authorities**

The work of a Congress of Judges of Ukraine, the activities of the Council of Judges of Ukraine, the conferences of judges and the councils of judges shall be financially backed by the State Judicial Administration from the State Budget of Ukraine as per Section VI of this Law.

### **Section VI. SUPPORT OF COURTS AND OTHER ISSUES PERTAINING TO THE JUDICIARY**

#### **Chapter 1. GENERAL ISSUES OF SUPPORT OF COURTS**

#### **Article 80. Peculiarities of functioning of the judicial power**

1. According to the Constitution of Ukraine, financing and adequate conditions for court and functioning and operation of judges is provided by the state.
2. Support of functioning of the judicial power provides for:

- 1) separate identification in the State Budget of Ukraine of costs for financing courts not lower the level , that provides full and independent administration of justice according to the law;
- 2) legislative guaranty of complete and timely financing of courts;
- 3) guaranty of a sufficient level of social provision of judges.

#### **Article 81. The system of support of judicial power**

1. The single system shall be available in Ukraine to support the judicial power represented by the courts of general jurisdiction and the Constitutional Court of Ukraine.
2. The state body in charge of the organizational support of courts shall be the State judicial administration of Ukraine that is created and functions pursuant to this Law. According to this Law the organizational support of courts shall include the measures of financial, material, technical, personnel, informational and organizational-technical nature aimed at creation of the conditions for adequate and independent administration of justice.
3. Judicial bodies and other state executive bodies may participate in the support of operation of courts in the manner prescribed by this and other laws.

The procedure of organizational support of operation of the Constitutional Court of Ukraine shall be established by this Law, the Law of Ukraine "On the Constitutional Court of Ukraine", and other laws.

#### **Article 82. Principles of funding the courts**

1. All courts in Ukraine shall be financially backed from the State Budget of Ukraine.
2. The functions of the main manager of the funds of the State Budget of Ukraine allocated for the financial support of courts shall be performed by:
  - 1) the staff of the Supreme Court of Ukraine, the Constitutional Court of Ukraine, the high specialized courts – concerning the financial support of these judicial institutions;
  - 2) the State Judicial Administration of Ukraine concerning the financial support of all other courts of general jurisdiction, also the financial support of the qualifications commissions of judges of all levels, the Discipline Commission of Judges of Ukraine, the judicial self-government authorities, the State Judicial Administration of Ukraine and its regional departments, National School of Judges of Ukraine.
3. The costs for support of courts in the State Budget of Ukraine are identified by separate lines:
  - 1) district courts;
  - 2) circuit courts of relevant jurisdiction;
  - 3) courts of appeal of relevant jurisdiction;
  - 4) every high specialized court;

5) the Supreme Court of Ukraine;

6) the Constitutional Court of Ukraine.

The costs for support of operation of qualifications commissions of judges, the Disciplinary Commission of Judges of Ukraine, bodies of the judicial self-government, the National School of Judges of Ukraine in the State Budget of Ukraine are identified by separate lines.

Costs for maintenance of courts in the State Budget of Ukraine can not be cut during the current financial year.

4. The State Judicial Administration of Ukraine shall develop and approve in accordance of the Council of Judges of Ukraine unified norms of financial provision of general jurisdiction courts. The norms shall be handed over to each court and have to be reviewed at least once in three years. The cost estimate of expenses for maintenance of each court shall be approved according to approved norms.

5. The responsibility for financial support of operation of each court according to the approved norms shall be bore by the State Judicial Administration. The control over execution of requirements of this Law regarding funding of courts shall be executed by the Council of Judges of Ukraine, and also by the bodies of the state government, assigned by the law.

#### **Article 83. The procedure of funding the courts**

1. The courts of general jurisdiction shall be funded on the basis of the cost estimates and monthly lists of the expenditures approved pursuant to this Law within the limits of annual amount of expenditures fixed by the State Budget of Ukraine for a current fiscal year in the manner prescribed by the Budget Code of Ukraine.

2. The expenditures for the maintenance of courts shall, not later than the tenth day of each month, be transferred by the bodies of the State treasury of Ukraine to the accounts of the Supreme Court of Ukraine, the Constitutional Court of Ukraine, the high specialized courts and accounts of State Judicial Administration of Ukraine and its regional departments - for financing other courts, bodies and institutions specified by item 2, article 82 of this Law.

3. Provided the State Budget of Ukraine for a current fiscal year has not been adopted, the courts shall be financed according to the procedure prescribed by the Budget Code of Ukraine.

#### **Article 84. Material and technical support of the courts**

1 Circuit, appeal, high specialized courts and the Supreme Court of Ukraine are legal entities, have Seal with the State Emblem of Ukraine with its name, independent balance and bank accounts. A court as a legal entity is represented by the head of the staff.

2. The material and technical support of local courts and courts of appeal shall be provided by the regional departments of the State Judicial Administration of Ukraine and conducted within the limits of the cost estimate for the maintenance of a given court.

3. The courts and other judicial institutions having the status of a legal entity shall provide for their current needs either independently or on the basis of individual orders through the State Judicial Administration of Ukraine and its regional departments. The expenditures

essential for overhauls, reconstruction and construction of the premises for courts, also other capital expenditures shall be executed through the State Judicial Administration of Ukraine and its regional departments.

#### **Article 85. Salaries, consumer services, social protection of judges and employees of judicial system**

1. The amount of judicial salary shall be adequate for their financial independence and fixed pursuant to the Law of Ukraine "On the Status of Judges" and shall not be reduced.
2. The amount of salaries of the staffers of court staff and the State Judicial Administration of Ukraine and its regional departments, the consumer and household services rendered to them and the level of their social protection are specified by the law on the state service and other enactments. The said amount shall not be less than that of the relevant categories of civil servants engaged in the system of legislative and executive power.
3. The amount of salaries of the employees of the National High School of Judges of Ukraine, the consumer and household services rendered to them and the level of their social protection shall not be less than that of the relevant categories of civil servants of the State Judicial Administration of Ukraine, and salaries of staffers in the academic field shall not be less than the salary of a judge of the circuit court.
4. The regional departments of the State Judicial Administration of Ukraine, staff of the Supreme Court of Ukraine, the Constitutional Court of Ukraine and other specialized courts bear expenditures for burial and perpetuation of the memory of judges, including the retired judges.

#### **Article 86. Expense account of judges**

The cost estimate of the Supreme Court of Ukraine, the Constitutional Court of Ukraine and the cost estimates of high specialized courts shall include the expenses of representation of judges.

### **Chapter 2. THE STATE JUDICIAL ADMINISTRATION OF UKRAINE**

#### **Article 87. Status of the State Judicial Administration of Ukraine**

1. The State Judicial Administration of Ukraine shall be a central executive authority to support the operation of the courts of general jurisdiction, also other bodies and institutions of the court system pursuant to this Law. The institutional support of operation of the Supreme Court of Ukraine, the Constitutional Court of Ukraine and high specialized courts shall be done by the staff of these courts.
2. The regional departments of the State Judicial Administration of Ukraine shall be set up in the Autonomous Republic of the Crimea, regions, the cities of Kyiv and Sevastopol.
3. The officials of the State Judicial Administration of Ukraine, its regional departments shall be civil servants.
5. The State Judicial Administration of Ukraine shall be a legal entity, have its own seal with the State Emblem of Ukraine with its own name, its own balance sheet and bank accounts.



6. Internal regulation regarding the State Judicial Administration of Ukraine shall be approved by the Cabinet of Ministers of Ukraine.

**Article 88. Powers of the State Judicial Administration of Ukraine**

1. The State Judicial Administration of Ukraine shall:

1) provide for the proper conditions essential for operation of the courts of general jurisdiction, the qualifications commissions of judges, the Discipline Commission of Judges of Ukraine, the judicial self-government authorities and the National School of Judges of Ukraine;

2) study the practical aspects of operation of courts, work out and submit the proposals on improvement of the judicial practice in accordance with the established procedure;

3) analyze the personnel issues of court staff, determine the number of experts necessary, and make the requests for training the specialists;

4) keep the statistical and personal registration of the information about judges;

5) provide for the conditions essential for the improvement of skills of judges and court staff personnel; create the system of professional development;

6) organize the practical training in judicial institutions and elaborate the relevant curricula;

7) provide for keeping the court statistics, office work and records; supervise the office work in the courts of general jurisdiction;

8) prepare the materials for the proposals concerning the budget of courts, provide for funding the courts pursuant to this Law;

9) perform the functions of the main manager of funds of the State budget of Ukraine in the manner prescribed by this Law;

10) provide for the material and social security of judges and the court staff, including the retired judges;

11) provide for the medical services, sanatorium-and-spa treatment of judges and the court staff, take due measures for providing them with adequate housing;

12) ensure the independence, immunity and security of judges in cooperation with the judicial self-government authorities, courts and law-enforcement bodies;

13) organize and finance the construction and repair of the court buildings and premises, provide them with proper technical facilities;

14) provide the courts with computer-aided support essential for legal proceedings, office work and operation of courts; provide the courts with technical facilities for recording the court's sessions;

15) provide for securing of keeping of a single state register of court decisions;

16) provide for financing of court expenditures, which are covered from the State Budget of Ukraine according to the law;

17) maintain contacts with relevant bodies and institutions, including those of other countries with the aim of improving the operation and support of courts;

18) organize the work of the court officers;

19) together with the Council of Judges of Ukraine determine caseload of judges in courts of all levels and work out proposals on the number of judges in relevant courts;

20) exercise other powers specified by the law.

2. The State Judicial Administration of Ukraine shall exercise its powers in compliance with the Constitution of Ukraine, this and other laws, enactments of the President of Ukraine, the Cabinet of Ministers of Ukraine, other pertinent enactments, the Regulations on the State Judicial Administration, decisions of a congress of judges of Ukraine and the Council of Judges of Ukraine.

#### **Article 89. Head of the State Judicial Administration of Ukraine**

1. The State Judicial Administration of Ukraine shall be headed by the Head of the State judicial administration of Ukraine.

2. The Head of the State Judicial Administration of Ukraine shall be appointed to this post and dismissed from it by the Cabinet of Ministers of Ukraine on the basis of the proposal submitted by the Prime-Minister of Ukraine in coordination with the Council of Judges of Ukraine

3. The Head of the State Judicial Administration of Ukraine shall not combine his/her official activity with other job with the exception of the teaching, scientific and other kinds of paid creative activity in his/her free time, to become a member of managerial body or supervisory board of the profit commercial organization.

4. The Head of the State Judicial Administration of Ukraine shall:

1) supervise the operation of the State Judicial Administration of Ukraine, be responsible for the execution of tasks placed upon it;

2) organize the operation of the State Judicial Administration of Ukraine;

3) appoint and dismiss based on the competition the employees of the State Judicial Administration of Ukraine, heads of regional departments of the State Judicial Administration of Ukraine and their deputies in accordance with the respective council of judges, pursuant to the law regarding state service;

4) appoint and dismiss based on the competition, which shall be conducted pursuant to the law regarding state service, head of staff of appeal courts and their deputies if approved by the chair of a relative court;

5) approve the rules on structural divisions of the State Judicial Administration of Ukraine; specify the duties of employees of the State Judicial Administration of Ukraine;

6) fix the salaries of employees of the State Judicial Administration of Ukraine and its regional departments, assign to them the ranks of a civil servant according to the law, provide them with incentives and mete out the disciplinary punishments pursuant to the law;

7) submit the progress reports of the State Judicial Administration of Ukraine to the Council of Judges of Ukraine;

8) participate in elaboration of the proposals to the draft State Budget of Ukraine on financial backing of the court system;

9) exercise other powers under the law.

5. The Head of the State Judicial Administration of Ukraine issues the orders and instructions falling within his/her jurisdiction.

6. The Head of the State Judicial Administration of Ukraine shall have the deputy heads that are appointed and dismissed by the Cabinet of Ministers of Ukraine based on proposals, submitted by the Head of the State Judicial Administration of Ukraine with the consent of the Council of Judges of Ukraine. The duties of deputy heads of the State Judicial Administration of Ukraine shall be assigned by the Head of the State Judicial Administration of Ukraine.

#### **Article 90. Regional departments of the State Judicial Administration of Ukraine**

1. Regional departments of the State Judicial Administration of Ukraine shall be the regional bodies of the State Judicial Administration of Ukraine.

2. Regional department of the State Judicial Administration of Ukraine shall be run by the manager that shall be appointed to this post and removed from it by the Head of the State Judicial Administration of Ukraine.

3. The structure and manning table of regional departments of the State Judicial Administration of Ukraine shall be approved by the Head of the State Judicial Administration of Ukraine following the proposal of the manager of a regional department of the State Judicial Administration of Ukraine.

4. Regional department of the State Judicial Administration of Ukraine shall be a legal entity, have its own seal showing the State Emblem of Ukraine with its own name, its own balance sheet and bank accounts.

5. Regional departments of the State Judicial Administration of Ukraine shall function pursuant to the regulations on the State Judicial Administration of Ukraine.

### **Chapter 3. OTHER ISSUES RELATING TO THE JUDICIARY OF UKRAINE**

#### **Article 91. The National School of Judges of Ukraine**

1. The National School of Judges of Ukraine shall be available at the State Judicial Administration of Ukraine to provide the courts with skilled judges and staffers.

2. The National School of Judges of Ukraine is a state institution of a judicial education with special status that ensures high qualified cadre education for the judiciary.

3. The following shall be the main tasks of the National School of Judges of Ukraine:

- 1) Training the persons for the posts of judges according to the Law of Ukraine "On the Status of Judges" on the bases on the state order, formed by the State Judicial Administration of Ukraine;
- 2) Preparation of judges, appointed to the post for the first time;
- 3) Preparation of judges elected to the post without term limitation;
- 4) Preparation of judges deprived of their qualification rank;
- 5) Educating judicial employees, employees of the State Judicial Administration of Ukraine and its regional departments;
- 6) Conducting the research into the improvement of court performance;
- 7) Analyzing the world experience of court performance;
- 8) Scientific and methodological support of operation of the courts of general jurisdiction and the Constitutional Court of Ukraine, system of qualifications commissions of judges, the Disciplinary Commission of Judges of Ukraine and the High Council of Justice.

3. The National School of Judges of Ukraine shall function pursuant to its statute that shall be approved by the Council of Judges of Ukraine.

4. Judges, which per their application are sent to work in the National School of Judges of Ukraine, may be invited to occupy the posts of scientific and pedagogical workers of the National School of Judges of Ukraine.

5. The National School of Judges of Ukraine shall be located in the city of Kyiv and may have regional branches in other cities.

6. In order to support the scientific and research operation of National School of Judges of Ukraine it shall include the scientific and research institute of judicature.

7. The National School of Judges of Ukraine shall be a legal entity, have its own seal showing the State Emblem of Ukraine with its own name, its own balance sheet and bank accounts.

#### **Article 92. Court staff**

1. Organizational support of court operation shall be provided by the court staff headed by the manager of the staff (secretariat manager).

2. The manager of the court staff shall bear personal responsibility for adequate organizational support of court, judges and juridical proceedings.

3. The manager of the court staff, his/her deputy shall be appointed to and dismissed from the post according to the results of a competition, held in accordance with the law on state service, by the head of a respective regional department of the State Judicial Administration of Ukraine, manager of the appeal court staff shall be appointed to and dismissed from the

post by the Head of the State Judicial Administration of Ukraine agreed with the chair of a respective court.

The manager of staff of the Supreme Court of Ukraine, manager of staff of a high specialized court and their deputies shall be appointed to the posts according to the results of a competition, held in accordance with the law on state service and dismissed from the posts by a meeting of judges of a respective court.

4. The chair of the court (except for the Supreme Court of Ukraine and high courts) shall execute a right to initiate requests to apply to a manager of a court staff and his/her deputy incentives or the disciplinary punishments, initiate proposals on their dismissal.

5. The manager of the court staff (except managers of district court staff) shall appoint to and dismiss from the posts staffers of the court staff, assign to them ranks of civil servants, provide them with incentives and mete out the disciplinary punishments with agreement or on the proposal of the chair of a respective court.

Staffers of the district court staff shall be appointed by the head of a respective regional department of the State Judicial Administration of Ukraine on the proposal of the manager of staff of a respective court.

Candidates are selected on the basis of competition.

6. The legal status of the court staff shall be determined pursuant to the law on the state service. As far as the amount of salaries, the material, transportation, medical, sanatorium-and-spa treatment support are concerned, the court staff shall be placed on the same footing as the relevant categories of the managerial staff of high, central or local executive bodies.

7. The structure and numerical composition of the local court staff shall be approved by the relevant regional department of the State Judicial Administration of Ukraine, the staff of the courts of appeal and high courts – by the State Judicial Administration of Ukraine with an agreement of the chair of the relevant court within the limits of expenditures for maintenance of a given court.

8. The structure and the manning table of the staff of the Supreme Court of Ukraine and the staff of a high specialized court shall be approved by the presidium of a relevant court within the limits of expenditures for maintenance of a given court.

9. The boards, departments and other structural divisions may be set up in the staff of the courts of general jurisdiction, that perform their functions pursuant to the regulations on a relevant structural division approved by the manager of the staff of the relevant court and agreed with the chair of the court.

10. The court staff also includes the assistants of judges, scientific consultants and court officers. Assistants of judges, scientific consultants must have higher legal education. Assistants of judges of the Supreme Courts of Ukraine, besides the mentioned above must have at least tree years of experience of working the legal field.

11. Assistants of judges and scientific consultants are appointed and dismissed from the posts on the proposal or approval of respective judges. Assistants of judges and scientific consultants are appointed for the term of work of a respective judge.

**Article 93. Court Libraries**

1. Libraries shall be created at each court to provide the courts with enactments, special scientific literature and the materials of judicial practice. The library stocks include printed editions and computer database.
2. The regulations on court libraries are approved by the Chief Justice of the Supreme Court of Ukraine.

**Article 94. Service of court officers**

1. The service of court officers shall be available in each court. The court officers shall provide for observance of the fixed rules in the court premises by the persons that are present in a court, also fulfillment of the orders of a court session chair by such persons.
2. The court officers shall be appointed to their posts and removed from them by a relevant court staff manager.
3. The court officers shall be provided with the uniform whose models are approved by the Head of the State Judicial Administration of Ukraine and agreed with the Council of Judges of Ukraine.
4. The court officers shall perform their functions pursuant to this Law, procedural legislation of Ukraine, relevant rules and instructions, also the orders of the chair of a relevant court and judges.
5. The procedure of establishment and operation of the service of court officers shall be established by the Regulations that are approved by the Head of the State Judicial Administration of Ukraine and agreed with the Council of Judges of Ukraine.

**Article 95. Security and maintenance of public order in courts**

1. Maintenance of public order in court, suspension of display of contempt of court, functions of state protection of judges, court staff, and security of participants of juridical proceedings shall be performed by the court militia.
2. The powers of the court militia and its operation are determined by the law.

**Article 96. Symbols of the judicial power**

1. The symbols of judicial power shall be the state symbols of Ukraine - the State Emblem of Ukraine and the State Flag of Ukraine.
2. While administering justice, a judge shall wear the mantle with a breastplate of a set pattern. Specimens of the mantle and the breastplate shall be approved by the Council of Judges of Ukraine.

**Article 97. Certificates of judge, people's assessor and juror**

1. Professional judges, also people's assessors and jurors shall have the certificates of a set pattern.

2. The specimens of certificates of judges, people's assessors and jurors shall be approved by the Chief Justice of the Supreme Court of Ukraine in coordination with the Council of Judges of Ukraine.

3. Certificates of the judges elected for an unlimited term shall be signed by the Chair of the Verkhovna Rada of Ukraine. Certificates of the judges appointed to the post by the President of Ukraine shall be signed by the President of Ukraine. Certificates of court chairs, their deputies, other persons holding other administrative posts in courts shall be signed by the Chief Justice of the Supreme Court of Ukraine.

4. The certificates of people's assessors and jurors shall be signed by the chair of the court in which people's assessors or jurors administer justice.

#### **Section VII. FINAL AND TRANSITIONAL PROVISIONS**

1. This law shall come into force and be enacted from January 1, 2007.

2. During the five years after this law shall come into force, chair of a local court, chair of court of appeal and his/her deputy, chair of high specialized court and his/her deputy shall be appointed to their posts for the term of five years from among the judges of a relevant court and shall be dismissed from the posts by the President of Ukraine on the proposal of the Council of Judges of Ukraine.

3. District criminal courts shall start their operation following appointment (election) to their composition at least three judges, but not later than June 1, 2007. The State Judicial Administration of Ukraine shall inform about the beginning of operation of every district criminal court through relative local official periodicals. Prior to beginning of operation of district criminal courts, cases within their jurisdiction shall be considered by the first instance of respective courts of appeal.

4. Criminal cases assigned for consideration to relative courts of appeal as courts of the first instance prior to beginning of operation of respective district criminal court, shall be considered and resolved by these courts.

After beginning of operation of district criminal courts criminal cases, which were assigned to relative courts of appeal for consideration in first instance, which are in the jurisdiction of the district criminal courts, shall be transferred by these courts to district criminal courts if the case is not assigned for judicial inquiry.

5. The High Civil Court of Ukraine and the High Criminal Court of Ukraine shall be established before January 1, 2007 and shall start operating from June 1, 2007. Before these courts come to operation, their powers shall be exercised by relevant judicial chambers of the Supreme Court of Ukraine.

6. Cassations (submissions) on the decisions of general courts in criminal and civil cases, filled prior to June 1, 2007 and accepted for cassation consideration by the Supreme Court of Ukraine, shall be considered by the Supreme Court of Ukraine.

Cassations (submissions) on the decisions of general courts in criminal and civil cases, filled after to June 1, 2007 shall be transferred for consideration to the High Civil Court of Ukraine and High Criminal Court of Ukraine accordingly.

7. Chairs of courts and their deputies, chairs of judicial chambers appointed to the posts prior to enactment of this Law, shall fulfill their functions under this Law until the term of their appointment expires, if their posts shall be preserved under this Law.

First deputy chairs of high specialized courts appointed to the posts prior to enactment of this Law shall fulfill their functions of deputy chairs of high specialized courts under this Law until the term of their appointment expires.

8. Judges of the Supreme Court of Ukraine shall exercise their powers before they are removed from their posts according to the part 5, article 126 of the Constitution of Ukraine. After the judges are dismissed their posts shall not be occupied, but axed until there shall be 45 positions of judges according to the Law.

Judges of the Supreme Court of Ukraine, which during the year from the day of enactment of this Law were transferred to high specialized court or other court of general jurisdiction shall be equal in status including financial, social and household support with the judges of the Supreme Court of Ukraine.

9. Regional qualifications commissions of judges shall be established during the period of six months and shall begin their operation from June 1, 2007. Existing qualifications commissions of judges with the beginning of operation of regional qualifications commissions of judges shall terminate their activity.

10. The Disciplinary Commission of Judges of Ukraine and judicial inspectors' service shall be created according to this Law during the six months from the day of enactment of this Law and shall begin their operation from June 1, 2007.

11. Disciplinary cases, which prior to June 1, 2007 were under investigation of qualifications commissions of judges that were established prior to enactment of this Law, shall be transferred for consideration and resolution to the Discipline Commission of Judges of Ukraine. The terms of bringing a judge to disciplinary responsibility shall be stopped until the Discipline Commission of Judges of Ukraine takes upon the case.

12. After enacting this Law military courts of garrisons, military appeal courts of regions and the Navy Court of Appeal of Ukraine shall continue operating as local and appeal courts and consider criminal cases falling within their jurisdiction, determined by the Criminal Procedural Code of Ukraine, prior to their liquidation in order pursuant to the law, but not longer than January 1, 2008.

13. Judges of military courts of garrisons, regional military courts of appeal and the Navy Court of Appeal of Ukraine shall be transferred with their accordance to other court with further exemption from the military service, or they shall be removed from their posts of judge according to set procedures and ordered for further military service within Armed Forces of Ukraine, other military establishments;

Judges of the Military judicial board of the Supreme Court of Ukraine shall be transferred with their accordance to judicial chambers of the Supreme Court of Ukraine or high specialized courts in the order pursuant to this Law, with further exemption from the military service, or they shall be removed from their posts of judge according to set procedures and ordered for further military service within Armed Forces of Ukraine, other military establishments.

14. Prior to the legislative reform of legislation regarding administrative offences, cases on administrative violations, which fall within the jurisdiction of respective courts, shall be



considered and resolved by these courts in the manner prescribed by the Administrative Offences Code of Ukraine.

15. Decree that judges of military courts of garrisons, military courts of appeal, the Navy Court of Appeal of Ukraine, the Military judicial board of the Supreme Court of Ukraine:

dismissed from the military service and transferred to other courts or judicial chambers of the Supreme Court of Ukraine shall be paid once according to their choice either financial support for dismissal from the military service according to Article 15 of the Law of Ukraine "On social and legal protection of military servants and members of their families", or support with further retirement from the post of judge according to the Law of Ukraine "On the Status of Judges";

ordered for further military service within Armed Forces of Ukraine, other military establishments shall be paid once according to their choice either support for retirement from the post of judge according to the Law of Ukraine "On the Status of Judges" or financial support for further dismissal from the military service according to Article 15 of the Law of Ukraine "On social and legal protection of military servants and members of their families";

dismissed from the military service and retired from the post of judge at the same time shall be paid once according to their choice either financial support according to Article 15 of the Law of Ukraine "On social and legal protection of military servants and members of their families", or support according to the Law of Ukraine "On the Status of Judges";

Decree that in case of repetitive election of a person to a post of a judge dismissal pay for retirement shall be paid to this person only if this person has not received financial support according to Article 15 of the Law of Ukraine "On social and legal protection of military servants and members of their families", or support according to the Law of Ukraine "On Status of Judges" before.

16. The Cabinet of Ministers of Ukraine in the period of two months after this Law is published shall:

Establish the National School of Judges of Ukraine on the basis of Academy of Judges of Ukraine;

Approve Regulations regarding social and material support of employees of the National High School of Judges of Ukraine and provided for adequate funding in the draft Law of Ukraine On the State Budget of Ukraine beginning 2007.